

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-14684 - APPLICANT: DESERT INN CVS, L.L.C. DBA CVS PHARMACY 2955 - OWNER: SCP 2002E-40, L.L.C.

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Retail Establishment With Accessory Package Liquor Off-Sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. The space used for the sale of package liquor shall be limited to 10% of the overall floor area of the building.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale at 3290 South Fort Apache Road.

EXECUTIVE SUMMARY

This request will not alter the characteristics of the existing site. Rather, it will add an accessory use to a CVS pharmacy. All of the conditions of Title 19.04 are met, along with parking standards. Staff supports the request.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 01/25/01 | The Planning Commission approved a Site Development Plan [Z-0122-87(2)] for a 13,903 square foot drug store on the subject property. |
| 10/29/03 | The City Council approved a Master Sign Plan (MSP-2842) for an existing retail store. The Planning Commission and staff recommended approval. |
| 08/10/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/ng). |

B) Pre-Application Meeting

- | | |
|----------|---|
| 05/25/06 | <p>A pre-application meeting with the applicant was held and the following items were discussed:</p> <ul style="list-style-type: none">• Staff informed the applicant of the conditions that are automatically applicable to this type of use.• Staff informed the applicant of the parking requirements for retail establishments with accessory package liquor off-sale. |
|----------|---|

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.84

B) *Existing Land Use*

Subject Property: CVS
North: Office/Commercial
South: Multi-Family Residential
East: Office/Commercial
West: Single-Family Residential

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: Clark County
East: SC (Service Commercial)
West: ML (Medium Low Density Residential)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: Clark County
East: C-1 (Limited Commercial)
West: R-PD6 (Residential Planned Development – 6 Units per Acre)

E) *General Plan Compliance*

The subject site is located in the Southwest Sector of the General Plan. Within that Sector, it has a land use designation of SC (Service Commercial), which allows a variety of commercial uses that serve primarily local area patrons. The underlying zoning of C-1 (Limited Commercial) is compatible with this designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
The Lakes	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment	X	
Project of Regional Significance	X	

The Lakes

The subject site is located in The Lakes plan area. There are no additional development standards that apply to projects in this area.

Development Impact Notification Assessment/Project of Regional Significance

Due to its proximity to Clark County, the applicant was required to submit an Environmental Impact Assessment. The information contained in this assessment is described in detail below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500’ of an adjacent jurisdiction.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

There were no comments received from affected departments.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
General Retail	11,987 SF.	1 Space / 175 SF GFA	69	3	80	3
TOTAL			69 (including handicap accessible)	3	80 (including handicap accessible)	3

The subject proposal meets current Title 19.10 standards for parking for this type of use.

B) General Analysis and Discussion

- Zoning

The subject proposal meets all the development standards for the C-1 (Limited Commercial) zone as outlined in Title 19.08. Adequate parking is provided and the subject site is not located within the minimum separation distance area from protected properties. Because the structure currently exists, no additional development standards apply.

- Use

All conditions for Retail Establishments with Accessory Package Liquor Off-Sale are met by this request. As it is located at a major intersection (South Fort Apache Road and West Desert Inn Road), this use is appropriate for the area and will be compatible with surrounding uses. It should be noted that a condition has been added above that will limit the floor area to be used for the sale of package liquor to 10% of the total floor area. The floor plans indicate that 80 square feet of the 9,682 square foot retail floor area will be designated for alcohol sales. This represents less than 1% of the floor area.

- Conditions

The following conditions apply to the proposed use:

1. Except as otherwise provided in this Chapter, no retail establishment with accessory package liquor off-sale (hereinafter “establishment”) shall be located within four hundred feet of any church, synagogue, child care facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purpose of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.
3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:

4.
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property lines of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.
5. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
6. The minimum distance requirements in Paragraph 1 do not apply to:
 - a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or
 - b. A proposed establishment having more than fifty thousand square feet of retail floor space.
7. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
8. The minimum distance requirements set forth in paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, maybe be waived:
 - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or
 - c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least one hundred feet.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject proposal is compatible with the General Plan and with the surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing CVS site can accommodate accessory package liquor off-sale.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by South Fort Apache Road (a 100-foot primary arterial) and West Desert Inn Road (a 100-foot primary arterial).

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The subject request will not compromise the public health, safety or general welfare of the surrounding neighborhood nor compromise the objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 1,293 by City Clerk

APPROVALS 0

PROTESTS 0